

REMARKS

Applicants appreciate the Examiner's consideration provided the present application. Claims 1-29 are now present in the application. Claims 1 and 13 are independent. No claim amendment is made in this Reply. Reconsideration of this application is respectfully requested.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on November 3, 2003, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings

The Examiner still fails to indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by any one of Kiser, U.S. Patent No. 4,850,264, Shyu, UK Patent Application Publication No. GB 2254447, and Demeter, U.S. Patent No. 4,872,397. These rejections are respectfully traversed.

Brief discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 recites a combination of elements including “a cabinet including an inlet through which a room air of a room is drawn, and an outlet from which a cleaned air is discharged to the room”, “a filter assembly to remove dust and smell particles from the room air drawn through the inlet”, “a fan located inside the cabinet so as to discharge the room air filtered by the filter assembly to the outlet after drawing the room air”, “a sensor assembly located inside the cabinet so as to sense composition of the room air drawn through the inlet”, “a supplier assembly located inside the cabinet so as to provide at least one of components of the room air to the room air filtered by the filter assembly” and “a controller for controlling the supplier assembly to supply the at least one of the components of the room air to the room air filtered by the filter assembly when the sensor assembly senses an insufficient amount of the at least one of the components of the room air drawn through the inlet.”

Independent claim 13 recites a combination of steps including “sensing a room air drawn from a room into the inside of a cabinet through an inlet”, “measuring at least one of components of the room air and comparing a sensed amount of the at least one of the components from the sensing step with previously inputted data”, “supplying the at least one of the components of the room air to the room air filtered by a filter assembly when the sensed amount is less than the previously inputted data”, and “guiding the room air filtered by a filter assembly and the supplied at least one of the components of the room air to an outlet by a fan.”

Applicants respectfully submit that the combinations of elements and steps as set forth in independent claims 1 and 13 are not disclosed or suggested by the references relied on by the Examiner.

Kiser

Kiser discloses an air handling unit 22 having a housing 38, temperature sensors 25 and air quality sensors 26 (see FIGs. 3 and 4). Kiser also discloses that each of the sensors 25 and 26 is positioned adjacent to and below the air handling unit 22 or in various areas of the building (see col. 5, lines 20-25). However, Kiser nowhere discloses that the sensors 25 and 26 are located inside the housing 38. Therefore, Kiser fails to teach “a sensor assembly located inside the cabinet so as to sense composition of the room air drawn through the inlet” as recited in claim 1 and “sensing a room air drawn from a room into the inside of a cabinet through an inlet” as recited in claim 13.

In addition, Kiser also fails to teach “a supplier assembly located inside the cabinet so as to provide at least one of components of the room air to the room air filtered by the filter assembly” and “a controller for controlling the supplier assembly to supply the at least one of the components of the room air to the room air filtered by the filter assembly when the sensor assembly senses an insufficient amount of the at least one of the components of the room air drawn through the inlet” as recited in claim 1 and “measuring at least one of components of the room air and comparing a sensed amount of at least one of the components from the sensing step with previously inputted data” and “supplying the at least one of the components of the room air to the room air filtered by a filter assembly when the sensed amount is less than the previously inputted data” as recited in claim 13. In particular, the Examiner referred to the cooling unit heat exchanger as the supplier assembly. Applicants respectfully disagree. The heat exchanger can simply change the temperature of the air, but will not supply any components of the room air such as oxygen, anions, terpene, etc. when an insufficient amount of the at least one of the

components of the room air is sensed. In addition, dependent claim 9 recites that the air cleaner further comprises a cooling/heating device. If Kiser's cooling unit heat exchanger were construed as the supplier assembly, Kiser would fail to teach the cooling/heating device of claim 9.

Shyu

Shyu discloses an interior atmosphere control system including sensors 11, 12, and 13, actuators 51, 52 and 53, and a microcomputer 3 for receiving the sensed result from the sensors 11, 12 and 13 to actuate the actuators 51, 52 and 53 for adjusting the air temperature, oxygen content, odor, etc. Although the Examiner alleged that Shyu discloses a housing, Applicants do not find the same in Shyu. In addition, although Shyu discloses the sensors 11, 12, and 13, Shyu nowhere discloses where those sensors are located. For example, in FIG. 3, Shyu simply shows that the interface 4 receives the actuating signals from the microcomputer 3 to actuate the suppliers 55, 56 and 57, but fails to show where the sensors 11, 12, and 13 are located.

The Examiner also failed to show that the sensors 11, 12, and 13 are inherently located in a housing of the system with the suppliers 55, 56 and 57. In fact, to establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." (*Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d (BNA 1746, 1749 (Fed. Cir. 1991)). "Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting

In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). There can be no speculation or only possibilities involved in a holding of inherency. What is alleged to be inherent must necessarily occur. The mere fact that something *may* result from a given set of circumstances is not sufficient. *In re Oelrich*, 212 USPQ 323, 326 (CCPA 1991).

Since Shyu discloses that the sensors 11, 12, and 13 are used to measure indoor and outdoor air temperature, oxygen content, odor, etc., they can be located in various locations of an indoor room (like what Kiser suggests) and outside the room. Therefore, Shyu fails to inherently teach “a sensor assembly located inside the cabinet so as to sense composition of the room air drawn through the inlet” as recited in claim 1 and “sensing a room air drawn from a room into the inside of a cabinet through an inlet” as recited in claim 13.

Demeter

Demeter discloses a personal environmental module 10 having a housing 30, and a control panel 28 including a plurality of potentiometers 72, 74, 76, 78 and 80. The Examiner referred to the control panel 28 as the controller of claim 1 and referred to the potentiometers as the supplier assembly of claim 1. However, Demeter clearly discloses that control panel 28 with the potentiometers 72, 74, 76, 78 and 80 is positioned on the desk 12 (see FIGs. 1 and 7; col. 4, lines 48-50). In other words, it is clearly shown that the control panel 28 with the potentiometers 72, 74, 76, 78 and 80 are located outside the housing 30, not inside the housing as recited in claim 1. In addition, the potentiometers are just electronic circuits and cannot supply any components of the room air such as oxygen, anions, terpene, etc. when an insufficient amount of at least one of the components of the room air is sensed. Although the control panel 28 can

control the noise generator, lights, radiant heat panel, temperature and air flow, none of the above are the components of the room air. Therefore, Demeter fails to teach “a supplier assembly located inside the cabinet so as to provide at least one of components of the room air to the room air filtered by the filter assembly” and “a controller for controlling the supplier assembly to supply the at least one of the components of the room air to the room air filtered by the filter assembly when the sensor assembly senses an insufficient amount of the at least one of the components of the room air drawn through the inlet” as recited in claim 1 and “supplying the at least one of the components of the room air to the room air filtered by a filter assembly when the sensed amount is less than the previously inputted data” as recited in claim 13.

In addition, Demeter also fails to teach any “a sensor assembly located inside the cabinet so as to sense composition of the room air drawn through the inlet” as recited in claim 1 and “sensing a room air drawn from a room into the inside of a cabinet through an inlet” as recited in claim 13. In particular, the Examiner in the outstanding Office Action fails to indicate where Demeter discloses the sensor assembly as recited in claim 1 and the sensing step as recited in claim 13. Although Demeter discloses an air flow sensor 68 and a temperature sensor 70, those sensors are not able to sense composition of the room air drawn through the inlet for the controller to supply at least one of the components of the room air to the room air filtered by the filter assembly.

Since each of Kiser, Shyu and Demeter fails to teach each and every limitation of independent claims 1 and 13, Applicants respectfully submit that independent claims 1 and 13 are not anticipated by any one of Kiser, Shyu and Demeter.

In addition, claims 2-12 and 14-29 depend, either directly or indirectly, from independent claims 1 and 13, and are therefore allowable based on their respective dependence from independent claims 1 and 13, which are believed to be allowable.

Failure To Treat Dependent Claims On The Merits

The Examiner also failed to indicate how each of the utilized references teaches the subject matter of each of the dependent claims.

For example, none of the utilized references teach “the sensor assembly senses the composition of the room air before the air passes through the filter assembly” as recited in dependent claim 2;

none of the utilized references teach “the supplier assembly includes a third supplier for providing terpene to the cleaned air” as recited in dependent claim 8;

none of the utilized references teach “the cooling/heating device is a thermoelectric module” as recited in dependent claim 10;

none of the utilized references teach “the thermoelectric module includes a first side having an exothermic or endothermic reaction, and being in contact with the room air filtered by the filter assembly; and a second side having an opposite reaction to that of the first side, and not being in contact with the room air filtered by the filter assembly” as recited in dependent claim 11;

none of the utilized references teach “supplying terpene to the room air filtered by the filter assembly and guiding the terpene to the outlet by the fan” as recited in dependent claim 15;

none of the utilized references teach “calculating at least one of a dust content and a gas content of the room air based on a result of the sensing step; and controlling a rotation speed of

the fan based on at least one of the dust content and the gas content from the calculating step” as recited in dependent claim 16;

none of the utilized references teach “the fan is operated at a variable rotation speed including: a high speed when the dust or gas content of the room air is above a previously inputted range; a normal speed when the dust or gas content of the room air is within the previously inputted range; and a low speed when the dust or gas content of the room air is below the previously inputted range” as recited in dependent claim 17;

none of the utilized references teach “if it is detected that the room air has a temperature corresponding to the first temperature range, cooling the air to a temperature lower than the temperature of the room air at a range between 1°C and 3°C” as recited in dependent claim 19;

none of the utilized references teach “if it is detected that the room air has a temperature corresponding to the second temperature range, heating the air to a temperature higher than the temperature of the room air at a range between 1°C and 3°C” as recited in dependent claim 20;

none of the utilized references teach the combination of “the filter assembly is located inside the cabinet” as recited in dependent claim 21 and “the sensor assembly is located between the inlet and the filter assembly” as recited in dependent claim 22;

none of the utilized references teach “the oxygen container is exchangeable” as recited in dependent claim 24;

none of the utilized references teach “the fourth sensor is for detecting an amount of anions in the room air” as recited in dependent claim 26; and

none of the utilized references teach “the step of supplying the oxygen from the oxygen container includes supplying the oxygen from an exchangeable oxygen container” as recited in dependent claim 28.

Since Applicants have paid the examination fee for all of the claims, not just the independent claims, the Examiner should examine and consider all of the limitations recited in each of the claims, regardless of independent or dependent claims. Accordingly, Applicants respectfully request that the Examiner examine all of the claims in the next Office Action to comply with MPEP §707.07(f), which requires that the Examiner respond on the merits to the substance of each of the arguments presented by Applicants traversing rejections of record. In addition, if the Examiner raises new rejection(s) against those dependent claims in the next Office Action, Applicants respectfully submit that the next Office Action must be made non-final because Applicants have not amended the claims, and the Examiner failed to treat those claims in detail in the instant non-final Office Action. Nonetheless, it is still believed that those dependent claims are allowable.

In view of the above remarks, Applicants respectfully submit that the claims 1-29 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

Multiple References For 102 Rejections

MPEP §§706.02(I) and 904.03 clearly require the Examiner to select and apply only the best reference in rejecting the pending claims. In addition, MPEP 2131.01 also requires that only

one reference should be used in making a rejection under 35 U.S.C. § 102 unless the extra references are cited to:

- (A) Prove the primary reference contains an "enabled disclosure;"
- (B) Explain the meaning of a term used in the primary reference; or
- (C) Show that a characteristic not disclosed in the reference is inherent.

However, none of the above situations are met in outstanding Office Action. Applying multiple references in making a rejection under 35 U.S.C. § 102 without meeting the above requirements would place a undue burden on Applicants to respond to all of the rejections. This is improper and for this reason alone, the outstanding rejections based on 35 U.S.C. § 102(b) should be withdrawn.

In addition, as mentioned above, none of the references relied on by the Examiner teach each and every limitation of independent claims 1 and 13. Therefore, Applicants respectfully request that the Examiner only apply the best reference in making a rejection under 35 U.S.C. § 102, but also present a *prima facie* case of unpatentability based on the best reference.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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